

The following has special meaning:

green underline denotes added text

~~red struck out text denotes deleted text~~

**2021 AR H 1562**

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**Version:** Enacted  
**Version Date:** 04/08/2021

Act 619 of the Regular Session

State of Arkansas

*As Engrossed: H3/8/21 H3/15/21 S3/31/21*

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1562

By: Representatives McCollum, *Fortner*

By: Senator L. Eads

**For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING AUTONOMOUS VEHICLES; AND FOR OTHER PURPOSES.

**Subtitle**

TO AMEND THE LAW CONCERNING AUTONOMOUS VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-51-2001, concerning the definitions for an autonomous vehicle and fully autonomous vehicle operated under an autonomous vehicle pilot program, is amended to add additional subdivisions to read as follows:

(8) "Human operator" means an individual who operates a vehicle by manually controlling the:

(A) Brake;

(B) Accelerator pedal;

(C) Steering wheel; or

(D) Transmission gear selection;

(9) "On-demand driverless capable vehicle network" means a transportation service network that uses a software application or other digital means to dispatch autonomous vehicles or fully autonomous vehicles for purposes of transporting persons or goods, including without limitation vehicles used for:

(A) For-hire transportation;

(B) The transportation of multiple passengers who agree to share the ride in whole or in part; or

(C) Public transportation; and

(10) "Remote operator" means an individual who is:

(A) Able to provide remote assistance to a fully autonomous vehicle in driverless operation; or

(B) Not seated in a position to manually control a vehicle's:

(i) Brake;

(ii) Accelerator pedal;

(iii) Steering wheel; or

(iv) Transmission gear selection.

SECTION 2. Arkansas Code § 27-51-2002 is amended to read as follows:

27-51-2002. Operation of autonomous vehicle.

(a) ~~(1)~~ An autonomous vehicle or a fully autonomous vehicle may be operated in this state under an autonomous vehicle pilot program approved by the State Highway Commission.

~~(2) The autonomous vehicle pilot program is automatically approved sixty (60) days after the date the autonomous vehicle pilot program is submitted to the commission for approval.~~

(b) An autonomous vehicle ~~pilot~~ program shall include without limitation the following:

(1) A statement of the commercial purpose of the autonomous vehicle ~~pilot~~ program;

(2) ~~The identification of any additional requirements for proof~~ Proof that the autonomous vehicle program complies with the minimum liability insurance coverage requirements for a motor carrier of property under 49 C.F.R. § 387.9 as it existed on January 1, 2021 insurance under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., and § 27-22-101 et seq.;

(3) A statement acknowledging that:

(A) ~~(1)~~ The autonomous vehicle or fully autonomous vehicle is capable of complying with all applicable traffic and motor vehicle safety laws of this state and rules adopted by the Office of Motor Vehicle, including without limitation the laws and rules concerning the capability to *safely negotiate railroad crossings, if applicable unless an exemption for the operation of autonomous vehicles or fully autonomous vehicles at railroad crossings is granted by the department.*

~~(ii) The department shall consult with railroad companies operating in the state when considering an exemption that affects the operation of autonomous vehicles or fully autonomous vehicles at railroad crossings;~~

(B) The fully autonomous vehicle is capable of achieving a ~~reasonably safe state~~ minimal risk condition if a failure of the automated driving system occurs that renders the automated driving system unable to perform the entire dynamic driving task; and

(C) The autonomous vehicle or fully autonomous vehicle meets Federal Motor Vehicle Safety Standards and Regulations, 49. C.F.R. Part 571 as it existed on January 1, 2021, for the vehicle's model year, except to the extent an exemption has been granted under applicable federal law, and all other applicable safety standards and performance requirements stated in state and federal law and rules adopted by the commission; and

~~(D) A~~ The remote operator of a fully autonomous vehicle involved in a motor vehicle accident is capable of meeting the requirements of §§ 27-53-101, 27-53-102, and 27-53-105; and

(4) A description of how a fully autonomous vehicle is capable of meeting the requirement of subdivision ~~(b)(3)(G)~~ (b)(3)(D) of this section.

(c) For the purposes of this subchapter, a person may operate:

~~(1) A~~ a fully autonomous vehicle that is not equipped with:

~~(A) (1)~~ Seat belts, unless transporting persons as required by § 27-37-701 et seq.;

~~(B) (2)~~ A steering wheel; or

~~(G) (3)~~ A rearview mirror; and

~~(2) A maximum of three (3) autonomous vehicles or fully autonomous vehicles simultaneously on the streets and highways of this state.~~

~~(d) The commission shall adopt rules necessary for the implementation of this subchapter.~~ An autonomous vehicle or fully autonomous vehicle shall be registered and titled as required under the Motor Vehicle Administration, Certificate of Title, and Antitheft Act, § 27-14-101 et seq.

SECTION 3. Arkansas Code Title 27, Chapter 51, Subchapter 20, is amended to add additional sections to read as follows:

27-51-2003. Operation of on-demand driverless capable vehicle network.

(a) A person may operate an on-demand driverless capable vehicle network in the state.

(b) An on-demand driverless capable vehicle network may connect a passenger or goods to a fully autonomous vehicle either exclusively or as part of a digital network that also connects passengers or goods to human drivers who provide transportation services in vehicles that are not fully autonomous vehicles.

27-51-2004. Licensing requirements.

(a) A human operator of an autonomous vehicle or fully autonomous vehicle is required to have a valid driver's license for the class of vehicle being operated.

(b) A remote operator of a fully autonomous vehicle is required to have a valid driver's license for the class of vehicle being operated.

27-51-2005. Controlling authority.

(a) Except as otherwise provided by law, the State Highway Commission shall implement the laws governing autonomous vehicles and fully autonomous vehicles under this subchapter.

(b) The commission shall adopt rules necessary for the implementation of this subchapter.

(c) Except as otherwise provided by law, a local entity may not impose additional requirements on autonomous vehicles or fully autonomous vehicles, including without limitation:

(1) Requirements providing for the safe operation of autonomous vehicle or fully autonomous vehicles; or

(2) The imposition of a tax on:

(A) An autonomous vehicle or fully autonomous vehicle; or

(B) The operation of an autonomous vehicle or fully autonomous vehicle.

(d) This subchapter does not limit the applicability of the Arkansas Motor Vehicle Commission Act, § 23-112-101 et seq.

27-51-2006. Liability.

(a) The liability for an accident involving an autonomous vehicle or fully autonomous vehicle is determined in accordance with applicable state or federal law.

(b) However, the original manufacturer of a vehicle converted by a third party into an autonomous vehicle or fully autonomous vehicle is not liable in any legal action.